

REMARKS

Claims 1 to 39 are pending in the present application. Claims 30 and 31 have been amended for which there is support in the specification, claims and drawings as originally filed.

Reconsideration of the Examiner's decisions and reexamination of this application are respectfully requested.

The §102 rejections:

Claims 31 to 33, 36 and 37 have been rejected by the Examiner under 35 USC §102(e) as being anticipated by Chow et al. U.S. Patent Application Publication 2002/0191635 (hereafter "Chow").

(While Applicants are responding to the rejections of the claims, Applicants are not admitting that Chow is prior art as Applicants may be able to antedate Chow. Applicants are reserving the right to antedate Chow at a later time but do not believe that antedation is necessary as Chow does not anticipate Applicants' claims.)

As Applicants' will explain hereafter, the Examiner has failed to state a *prima facie* case of anticipation because Chow fails to disclose each and every element of Applicants' claim 31.

Regarding claim 31, there are several features that are not shown or taught by Chow. Chow does not disclose a telephone modem as claimed by Applicants. Chow maintains a "tip/ring phone" 112 (shown in the home network in Figure 1), which may also be a modem, connected to the MTA 104 (MTA 104 does not appear to be a **telephone** modem). However, this tip/ring phone/modem 112 is not connected to any access port and is not enabled to interact with any service in the home network. Any interaction with the home network in Chow is through MTA 104 and access port 102. Further, this interaction is through broadband network 120. Applicants' modem, however, has a client port which attaches to the telephone network and a service port through which the inventive apparatus attaches to the home network. Interaction with the services in the home network may then be through the telephone modem. Applicants have amended claim 31 to positively recite "interaction with at least one service on said home

network”. Again, the Chow tip/ring phone 112 does not appear to interact with any service and the Chow MTA 104 does not appear to be a **telephone** modem.

Nor does Chow show a telephone modem “to **directly** receive an incoming call from the client device” as claimed by Applicants. As shown in Figure 1 of Chow, any cellular call is routed through the service provider’s packet network 106, then the service provider’s broadband transport network 120, then to the MTA 104 in the home network and then to tip/ring phone/modem 112. As noted in paragraph [0047] of Chow: “The MTA maintains a call state for each active telephone line and participates in call signaling and telephony feature implementation.” The conglomeration of devices in Chow which are necessary to receive a cellular call could hardly be called “a telephone modem to **directly** receive an incoming call from the client device” as claimed by Applicants.

Nor does Chow show a dial-in server module since Chow apparently does not have the capability to dial-in. As can be seen in Figure 1 of Chow, all calls are routed through the service provider’s broadband network. The only capability for direct dial-in appears to be with respect to the SOHO/Business network where telephone calls can be routed directly from a PSTN to a PBX 110. There is no indication that calls through the PBX can interact with any service as claimed by Applicants.

Finally, Chow does not disclose a “browser server module for managing data for remote display” as claimed by Applicants. A subscriber may be able to browse information through the service provider’s network. However, there is nothing in the paragraphs [0039, 0079] cited by the Examiner which discloses a “browser server module” in the apparatus attached to the home network as claimed by Applicants.

For all of the above reasons, Chow cannot anticipate Applicants’ claim 31.

Inasmuch as claims 32, 33, 36 and 37 depend from claim 31, and since claim 31 is believed to be patentable, then claims 32, 33, 36 and 37 should be patentable as well. In addition, claims 32, 36 and 37 are submitted to be independently patentable.

Regarding claim 32, additional functions of the browser server in Applicants' apparatus are claimed. As noted above, Chow does not disclose a browser server in the home network or attached to the home network.

Regarding claim 36, Chow does not show a dial-in server as noted above. Therefore, Chow cannot show the additional functions of the dial-in server as claimed in claim 36.

Regarding claim 37, Chow does not show a dial-in server as noted above. Therefore, Chow cannot show the additional functions of the dial-in server as claimed in claim 37. The Examiner points to paragraph [0012] as a dial-in server providing authentication. However, administration is provided by the service provider's Network Server Platform and not in any dial-in server. Again, the Chow apparatus does not appear to have any dial-in capability since all calls are routed through a broadband connection.

The §103 rejections:

I. Claims 1, 2, 4 to 16 and 27 to 30 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada U.S. Patent 6,735,619 (hereafter ("Sawada")).

(While Applicants are responding to the rejections of the claims, Applicants are not admitting that Chow is prior art as Applicants may be able to antedate Chow. Applicants are reserving the right to antedate Chow at a later time but do not believe that antedation is necessary as Chow does not anticipate Applicants' claims.)

It is submitted that the Examiner has failed to state a *prima facie* case of obviousness.

Claim 1 recites "enabling remote control of services at a residential network **without the necessity of a service provider**;" [emphasis added]. It is noted that in the Examiner's remarks, the Examiner didn't provide any reference to Chow for this portion of Applicants' claim 1. However, the Examiner is directed to paragraphs [0034-0039] of Chow, a portion of which is reproduced below:

"[0034] Service provided by the present invention includes:

...

[0039] e. A home or business with broadband network connectivity and a home or business networking platform enables a subscriber to send, receive and browse information **via a service provider's broadband packet network** to and from the traditional data/voice packet network (i.e., Internet). The services typically include traditional Internet service features and applications.” [emphasis added].

Thus, it can be seen that in Chow any communications with the home network are over the **service provider's** broadband network. This is directly contrary to Applicants' claim 1 in which remote control of services occurs “**without the necessity of a service provider;**”.

Claim 1 further recites “employing only one of a cellular voice network and a PSTN, said user connecting to a serving entity attached to said home data distribution network using a client device attached to a wireless, circuit-switched, voice telephony network,”. For example, as shown in Applicants' Figure 1, a client device connects to the serving entity (e.g., the web server) through the cellular voice network and a PSTN. In Chow, there does not appear to be any serving entity attached to the home network. Further, any communication includes transmission by broadband which is contrary to “employing only one of a cellular voice network and a PSTN” as required by claim 1.

Sawada may teach other steps of Applicants' method but fails to supply the deficiencies of Chow. Among other deficiencies, Sawada requires a service provider for link 38 (CATV or ISDN) and internet 40 which is directly contrary to Applicants' claim 1 in which remote control of services occurs “**without the necessity of a service provider;**”. Thus, the combination of Chow and Sawada fails to teach each and every limitation of Applicants' claim 1.

Inasmuch as claims 2 and 4 to 16 depend from claim 1, and since claim 1 is believed to be patentable, then claims 2 and 4 to 16 should be patentable as well.

In addition, claims 4, 5, 8 and 12 are submitted to be independently patentable.

Claim 4 recites “wherein the step of connecting includes dialing-up directly to the serving entity”. The Examiner points to paragraph [0032] of Chow which allegedly discloses this feature. A close reading of paragraph [0032] does **not** disclose any dialing-up to any serving entity

attached to the home network. In Chow, it does not appear that there is any serving entity attached to the home network but even if it were, all communications would be by broad band and **not** by dialing up.

Claim 5 recites “wherein the step of viewing is performed employing a viewing device collocated with said client device”. The client device is the client device in claim 1 attached to a wireless, circuit-switched, voice telephony network. The Examiner’s reference to Sawada (col. 4, lines 47-48) is misplaced. The terminals in Sawada which apparently have a viewing device are not the same as the client device in claim 5 since the client device in claim 5 is attached to a wireless, circuit-switched, voice telephony network which is different from the terminals in Sawada. Thus the combination of Chow and Sawada cannot render Applicants’ claim 5 obvious.

Claim 8 recites “wherein the step of viewing is performed employing a web-browser and the serving entity is a web-server”. Sawada does disclose a web-browser and a web-server. However, since claim 8 depends from claims 5 and 1, reading these claims together requires the web-browser collocated with the client device wherein the client device is attached to a wireless, circuit-switched, voice telephony network. In the case of Sawada, the web-browser is at a terminal and not collocated with the client device. Therefore, the combination of Chow and Sawada cannot render Applicants’ claim 8 obvious.

Claim 12 recites “further comprising said serving entity employing attributes of said circuit switch network in authenticating said user.” The Examiner pointed to paragraph [0032] of Chow. However, there is nothing in paragraph [0032] of Chow pertaining to authentication and certainly nothing relating to authentication “employing attributes of said circuit switch network”.

Claims 27 to 30 are allowable for the same reasons advanced in favor of claim 1. In addition and with particular reference to claim 29, claim 29 recites “user connecting means for said user connecting to a serving entity using a client device attached to a wireless, circuit-switched, voice telephony network, said user connecting means employing only one of a cellular voice network and a PSTN, and **enabling remote control of services at a residential network without the necessity of a service provider;**”. There is no combination of Chow and Sawada that can teach this aspect of Applicants’ claim 29 since, among other reasons, both Chow and Sawada enable the remote control of services at a residential network **with** the necessity of a

service provider. Further, wherein Applicants' client device attached to a wireless telephony network enables remote control of services at a residential network Chow enables remote control of services by broadband and Sawada only teaches remote control residential services by a computer through the internet.

II. Claims 3 and 38 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,998,070, Smart Antennas for wireless communication to Liberti et al., and Hefter U.S. Patent 7,092,699.

Inasmuch as claims 3 and 38 depend from claim 1, and since claim 1 is believed to be patentable, then claims 3 and 38 should be patentable as well. No independent ground of patentability is asserted for claims 3 and 38 at this time.

III. Claims 17 to 22 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,988,070.

Inasmuch as claims 17 to 22 depend from claim 1, and since claim 1 is believed to be patentable, then claims 17 to 22 should be patentable as well. No independent ground of patentability is asserted for claims 17 to 22 at this time.

IV. Claims 23 and 24 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Smart Antennas for wireless communications to Liberti et al.

Inasmuch as claims 23 and 24 depend from claim 1, and since claim 1 is believed to be patentable, then claims 23 and 24 should be patentable as well. No independent ground of patentability is asserted for claims 23 and 24 at this time.

V. Claims 25 and 26 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Hefter.

Inasmuch as claims 25 and 26 depend from claim 1, and since claim 1 is believed to be patentable, then claims 25 and 26 should be patentable as well. No independent ground of patentability is asserted for claims 25 and 26 at this time.

VI. Claims 34 to 35 and 39 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada.

Inasmuch as claims 34 to 35 and 39 depend from claim 31, and since claim 31 is believed to be patentable, then claims 32 to 35 and 39 should be patentable as well.

Summary:

In view of all of the preceding remarks, it is submitted that all of claims 1 to 39 are in condition for allowance. Further action with respect to the present application is earnestly solicited.

Respectfully submitted,

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